

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

TIMOTHY LEONARD MORGAN,	§	
Plaintiff,	§	
	§	
v.	§	3:13-CV-1443-L-BK
	§	
FEDERAL GOVERNMENT, et al.	§	
Defendants.	§	

**FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff filed a *pro se* complaint against the Federal Government, President Obama, U.S. Attorney General Eric Holder, the Senate, and Congress. The Court granted Plaintiff's motion to proceed *in forma pauperis*, but did not issue process pending preliminary screening. For the reasons that follow, this case should be summarily dismissed as frivolous.

I. BACKGROUND

As best as the Court can decipher, Plaintiff complains the Defendants have conspired to slander his name and organize "crime[s]" against him since he was eight years old by "using a satellite [*sic*] to deminish [*sic*] [his] mental state and pyschal [*sic*] state" with "narcotics to make [him] ill." (Doc. 3 at 1). He states that his "liberty, civil right & freedom have all suffered for this conspiracy," which he contends has been "in place for 44 years & [is] still going." *Id.*

In correspondence submitted to the Court, Plaintiff explains:

A series of adminastrations has [*sic*] been rigging my whole existence to frame me since 2nd grade with one new invented scandal after another. This situation has led to people getting killed, public division, crime and non-trust of the government. There is an abuse of power in government spanning 44 years that is determined they need to maintain their jobs instead of phasing out a rigged issue using me and other people which has been what the public wants. This is abuse of power has changed history for 44 years leading up to today by a series of lies. I want to expose how issue should have occurred any given year since 2nd grade. I see it as my civic duty as a patriotic citizen to be a whistle blower in this federal

corruption case that many people around me and in government know even more about. This plan of using me as a rigged issue is due to a lack of justice in Washington DC by officials putting their interests first and the public second, and the public is aware of it.

(Doc. 7 at 1).

Plaintiff adds:

Every day a government satellite crew is using various techniques to rig my mental and physical health. Such as using a satellite to control me and put phrases in my mouth as I speak, giving me attitude and mood control, limit my comprehension and memory ability instantly, diminish my reasoning and control my body movements and functions such as facial expressions, heart rate and being made to laugh or have an increase in body temperature. A long list of government administrations has been stalling to develop their satellites and they never let me stabilize so I have to depend on medication to remain totally sane from the constant satellite assault.

Id. at 2.

Plaintiff requests that “the satellite . . . leave my health alone so I can be myself,” including “no more narcotics given to erase my memory” and cause “mood or thinking problems.” *Id.* He claims “receiving more brain damage daily, by a satellite assault.” He, thus, believes he needs a trial “where my health is not rigged and the public can speak openly instead of pretending they know nothing to railroad me behind my back.” *Id.*

II. ANALYSIS

Because Plaintiff is proceeding *in forma pauperis*, his complaint is subject to screening under 28 U.S.C. § 1915(e)(2)(B). That statute provides for *sua sponte* dismissal of a complaint if the Court finds that it (1) is frivolous or malicious, (2) fails to state a claim upon which relief may be granted, or (3) seeks monetary relief against a defendant who is immune from such relief. A complaint is frivolous when it “lacks an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). A court may dismiss a complaint as frivolous when it is based on an indisputable meritless legal theory or when the factual contentions are “clearly

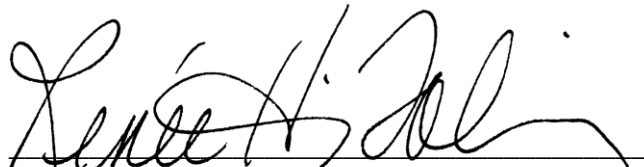
‘baseless.’” *Denton v. Hernandez*, 504 U.S. 25, 32 (1992). The latter category encompasses allegations that describe “fanciful, fantastic, and delusional” scenarios, or that “rise to the level of the irrational or the wholly incredible.” *Id.* at 33.

Here, Plaintiff’s claims against the Defendants are factually frivolous. His allegations that the Defendants have conspired over the past 44 years to commit crimes against him and to control and destroy his mind through satellites and medication, describe fantastic or delusional scenarios that are clearly irrational and incredible. Therefore, Plaintiff’s complaint should be dismissed with prejudice as frivolous. *See Mills v. U.S. Government*, No. 3:11-CV-1428-L-BK, 2011 WL 3347919 (N.D. Tex. Jul. 13, 2011), *accepting recommendation*, 2011 WL 3347906 (N.D. Tex. Jul. 29, 2011) (dismissing complaint as factually frivolous because it alleged that unidentified individuals “use[d] technology” nationally and internationally to watch and control him and to commit crimes against him).

III. RECOMMENDATION

For the foregoing reasons, it is recommended that this action be summarily **DISMISSED** with prejudice as frivolous. *See* 28 U.S.C. § 1915(e)(2)(B).

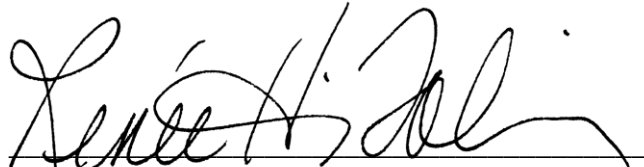
SIGNED June 12, 2013.



RENEE HARRIS TOLIVER
UNITED STATES MAGISTRATE JUDGE

**INSTRUCTIONS FOR SERVICE AND
NOTICE OF RIGHT TO APPEAL/OBJECT**

A copy of this report and recommendation will be served on all parties in the manner provided by law. Any party who objects to any part of this report and recommendation must file specific written objections within 14 days after being served with a copy. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b). In order to be specific, an objection must identify the specific finding or recommendation to which objection is made, state the basis for the objection, and specify the place in the magistrate judge's report and recommendation where the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. *See Douglass v. United Services Automobile Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996).


RENEE HARRIS TOLIVER
UNITED STATES MAGISTRATE JUDGE